

REMARKS

The is intended to be a complete response to the official action mailed August 16, 2005 in which claims 83-131 were rejected. Claims 87, 89, 91, 102 and 103 were cancelled in a previous amendment mailed April 19, 2005. Applicant has amended claims 83, 85, 95-97, 107, 109, 111-113, and 120-123 herein. Claims 90, 93, 94, 99, 100, 105, 106, 116, 118, 119, 126, and 129-131 have been cancelled without prejudice.

Double Patenting

Claims 83-131 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,555,384.

Claims 83-131 further stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-221 of copending Application No. 10/989,785.

Claims 83-131 further stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-92 and 1-4 of copending Application No. 10/990,080 and 10/225,412 (now U.S. Patent No. 6,713,304) respectively.

Applicant submits herewith a terminal disclaimer over U.S. 6,555,384 and U.S. Serial Nos. 10/989,785; 10/990,080; and 10/225,412 (now U.S. Patent No. 6,713,304), thereby rendering the rejections under double patenting moot.

Rejection under 35 U.S.C. §102(b)

Claims 83-131 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by Seregely et al. (USP 3,834,824).

Applicant respectfully traverses.

Seregely et al. teach in the Abstract:

"An ink composition for writing instruments having a porous writing point, which will write satisfactorily on relatively smooth, hard surfaces (e.g., solid plastic surfaces) and which can easily be erased from said smooth, hard surfaces by merely wiping with a dry cloth or paper tissue. The ink composition contains, as essential ingredients, water, a water soluble dye, a silicone surfactant, and a release agent in which the water soluble dye is insoluble. The ink composition may also contain a wax to prevent dusting. An erasing system including a marking board having a smooth, hard, non-porous surface of plastic and a porous point pen having an ink therein which will deposit uniform, legible traces, markings or lines on said plastic surface and which can be removed therefrom with a dry cloth or paper tissue." (Underlining added for emphasis.)

The present invention in claim 83 is directed to an applicator device having an applicator end, and a reservoir containing a transparent composition. The applicator end is able to apply a coating of the transparent composition which is substantially permanent when dry and which has a thickness of less than 0.0001 inch yet of at least a molecular layer. Further, in claim 95 the composition is defined further over claim 83 as being non-pigmented, in claim 111 the composition is defined further over claim 83 as being colorless, and in claim 121 is defined further over claim 83 as consisting essentially of a solvent plus at least one of a siloxane, polysiloxane, silane, silicone or silicon fluid.

In the Seregely et al. reference, there is no teaching that the ink composition disclosed therein is transparent, non-pigmented, colorless, or consists essentially only of a solvent and a siloxane, polysiloxane, silane, silicone or silicon fluid, as claimed herein.

Further, there is no teaching in Seregely et al. that the applicator end applies a coating which when dry is less than 0.0001 inch thick.

Applicant further notes that in U.S. Patents 5,948,685; 6,372,507; 6,555,384; 6,713,304; and 6,818,451; which have been issued to the present Applicant and which disclose a similar technology, the thickness limitations of 0.0001 inch and 0.00001 inch have been a key patentable feature of the claims, and that these thickness limitations are included in the present claims (the 0.00001 inch limitation in dependent claims) in reference to the coating which the applicator end of the device can apply.

Further, Seregely et al. teaches that the ink composition, when applied to a surface and dried, is erasable, while in the present invention, the dried coating produced from the composition is substantially permanent.

Seregely et al. therefore do not teach a colorless or non-pigmented composition because Seregely et al. require that the ink composition have a dye therein. Further Seregely et al. do not teach a composition consisting essentially of a solvent and a siloxane, polysiloxane, silane, silicone or silicon fluid, because Seregely et al. teaches inclusion of a dye as a critical component of the composition.

In view of the above, it is apparent that the Seregely et al. reference does not teach each and every element of the claimed invention, thus Seregely et al. does not anticipate the present claims under 35 U.S.C. §102(b). Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b).

Conclusion

In view of the above, Applicant respectfully submits the claims are now in a condition for allowance and Applicant requests issuance of a Notice of Allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher W. Corbett", written over a horizontal line.

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